

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ROY WAYNE WENDT, #1617352,

Plaintiff,

v.

UNIVERSITY OF TEXAS MEDICAL  
BRANCH,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:19-CV-49-JDK-JDL

**ORDER OF DISMISSAL**

Plaintiff Roy Wendt, a prisoner confined at the Skyview Unit within the Texas Department of Criminal Justice proceeding pro se and in forma pauperis, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On April 8, 2019, Plaintiff filed a notice of voluntary dismissal specifically noting that he had no interest in filing any civil action in this Court at this time. Docket No. 9. Subsequently, on April 17, 2019, Judge Love issued a Report recommending that Plaintiff's notice of voluntary dismissal be construed as a motion to voluntary dismiss and be granted. Docket No. 10. The docket demonstrates that Plaintiff received a copy of this Report on April 24, 2019. Docket No. 11. To date, no objections to the Report have been filed.


Because Plaintiff has failed to file objections to Judge Love's Report, he is barred from de novo review by the district court of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto.*

*Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge is **ADOPTED** as the opinion of the Court. Docket No. 10. Further, it is **ORDERED** that Plaintiff's notice of voluntary dismissal is construed as motion to voluntary dismiss and is **GRANTED**. Docket No. 9. Moreover, it is **ORDERED** that Plaintiff's civil action is **DISMISSED WITHOUT PREJUDICE** on Plaintiff's own motion. Finally, it is **ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **31st** day of **May, 2019**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE